



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

August 28, 2007

8:30 A.M. ROLL CALL

Invocation by Reverend Nobuo Miyaji of the Fresno Betsuin Buddhist Temple

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Proclamation of "BARBARA MORGAN DAY" – Mayor Autry – **To be rescheduled**

Proclamation of "FRANK GALLEGOS DAY" – Council President Perea – **Read and presented**

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 21, 2007

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Made**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. **RESOLUTION** - Setting the time and place for the public hearing of September 25, 2007 at 10:00 a.m., to consider formation of Underground Utility District No. FRE-84 (Blackstone Avenue between Shields Avenue and Belmont Avenue) **(Property located in Districts 1, 3 and 7)** – Public Works Department

Action Taken: **Resolution No. 2007-286 adopted**

- B. **RESOLUTION** - Dedicating certain City-owned property for public street purposes on the south side of Voorman Avenue east of Glenn Avenue and at the northeast corner of Divisadero and Glenn Avenues **(Property located in District 3)** – Public Works Department

Action Taken: **Resolution No. 2007-287 adopted**

- C. * Authorize and direct the City Engineer to execute quitclaim deeds on behalf of the City of Fresno for property that was acquired by the County of Fresno in 1966 for public street right-of-way at the intersection of Herndon and Doolittle Avenues and which will be vacated with the recordation of parcel maps to provide for commercial development of the adjoining property **(Property located in District 2)** – Public Works Department

Action Taken: **Authorized**

- D. * Award a contract in the amount of \$1,442, 285 to Clark Brothers, Inc., for construction of site improvements at the Santa Fe Depot **(Property located in District 3)** - Public Works Dept.

Action Taken: **Removed from the agenda**

- E. * Award a contract to Yarbs Enterprise for the McKenzie Trail Rehabilitation Project **(Property located in District 5)** – Public Works Department

Action Taken: **Awarded/\$228,576**

1. **CONSENT CALENDAR CONTINUED**

- F. * Authorize the Director of Transportation to enter into a lease extension on the current HandyRide Facility – Department of Transportation
Action Taken: Authorized
- G. * Approve a Memorandum of Understanding (MOU) between the City of Fresno, Roeding Park Playland, Fresno Storyland and Fresno's Chaffee Zoo Corporation regarding Preliminary Roeding Park Master Use, Environmental and Development Planning – PR&CS__
Action Taken: Approved
- H. Consideration of proposed Olive-Polk No. 4F Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 2.5 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno – Planning and Development Dept.
1. Affirm the action of the City Council of October 3, 2006, adopting environmental finding of Environmental Assessment No. R-06-46/TPM-2006-34 dated August 31, 2006, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130
Action Taken: Affirmed
2. **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Olive-Polk No. 4F Reorganization
Action Taken: Resolution No. 2007-288 adopted
- I. * Approve \$214,000 in HOME Program funds to Marko Construction Group, Inc. for property acquisition and major rehabilitation of an affordable housing duplex located at 164 N. Echo Avenue – Planning and Development Dept.
Action Taken: Approved
- J. **RESOLUTION** – Approving the application for and acceptance of California State Department of Housing and Community Development 2007 Building Equity and Growth in Neighborhoods (BEGIN Program) grant funds and authorizing execution of documents – Planning and Development Dept.
Action Taken: Resolution No. 2007-289 adopted
- K. * Approve the acquisition of one street easement for the placement of curb, gutter and sidewalk along Whitesbridge between West Avenue and Freeway 99 from Property Owner: Rudy and Rebeca Capulong (***Property located in District 3***) – Public Works Dept.
Action Taken: Approved
- L. * **RESOLUTION** – 460th amendment to MFS resolution No. 80-420 to correct the Handyride basic rate-ADA certified persons – one way rate under the Transportation Department and update the Airways Municipal Golf Course (Airways) green fees to comply with the contract agreement – Finance Department/Budget Division
Action Taken: Resolution No. 2007-290 adopted
- M. Approve the acquisition of a sewer easement from Fresno Metropolitan Flood Control District for the construction of a sewer main along the Dakota Avenue alignment between Hayes and Grantland Avenues (***Property located in District 1***) – Public Works Dept.
Action Taken: Approved
- N. **BILL – (For introduction)** - Amending uncodified ordinance to adopt changes and additions to the official list of designated special speed zones designating speed limits for various streets within the City of Fresno pursuant to Section 10-1601 of the Fresno Municipal Code – Public Works Dept.
Action Taken: Bill No. B-67 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. SCHEDULED COMMUNICATION –

1. Appearance by David Wells to discuss modification changes in the City's Fresno Municipal Code – **Appearance made**

9:00 A.M. B. UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

9:15 A.M. CITY COUNCIL

- A. Direct staff to return on September 18, 2007 with the necessary documents to reallocate incentive funding for the Municipal Restoration Zone to the Fresno Police Department for additional patrol hours - Councilman Duncan

Action Taken: Motion to direct staff died due to lack of a second

9:30 A.M. GENERAL ADMINISTRATION

- A. Documents pertaining to business tax – Finance Department
1. Analysis of the cost/benefit of raising the minimum threshold for payment of business tax to ensure the cost of processing each transaction does not exceed the revenue received – Finance Dept.
Action Taken: Report made
 2. Recommendation regarding proposed repeal of Fresno Municipal Code Section 5-302b – Finance Department
Action Taken: Recommendation made to NOT repeal
 3. * **BILL NO. B-66 - (Intro. 7/31/2007) (For adoption) -** Repealing Fresno Municipal Code Section 5-302b. Automatic increase of City of Fresno business tax based upon cost of living changes - Councilmember Duncan
Action Taken: Failed adoption
- B. * **RESOLUTION -** Adopting guidelines pursuant to Fresno Municipal Code Section 12-4.1006 to implement the major street fees and establish regulations regarding the dedication and improvement requirements for street work for development in the City of Fresno – Public Works Dept.
Action Taken: Resolution No. 2007-291 adopted, as amended
- C. Consider authorizing staff to initiate the process to annex two (2) "county islands" totaling approximately 147 acres in the vicinity of (1) E. Dakota and N. Maple Avenues (**Property located in District 4**) ; and (2) W. Spruce and N. Marks Avenues (**Property located in District 2**) – Planning and Development Dept.
Action Taken: Authorized

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.

GENERAL ADMINISTRATION CONTINUED

- D. * Authorize the City Manager to enter into a Lease Agreement between the City of Fresno and Tutelian Holdings I, LLC, a California Limited Liability Company for office space at 2440 Tulare Street, Civic Center Square, for the Budget & Management Studies Division – Finance Department/Budget Division

Action Taken: Authorized

1. * **RESOLUTION** - 11th amendment to AAR No. 2007-214 appropriating \$50,000 for additional rent and facility expenses related to increasing space and relocating operations (***Requires 5 affirmative votes***) – Finance Department/Budget Division
Action Taken: Resolution No. 2007-292 adopted
2. * **RESOLUTION** - 12th amendment to AAR No. 2007-214 to increase appropriations in the Budget & Management Studies Fund by \$145,400 and the Internal Audit Fund by \$34,600 for relocation expenses (***Requires 5 affirmative votes***) – Finance Department/Budget Division
Action Taken: Resolution No. 2007-293 adopted

- E. * **RESOLUTION** - Adopting an investment policy for public funds for fiscal year 2007-2008 – Finance Department

Action Taken: Discussed and laid over to 9/18/2007

10:00 A.M.

WORKSHOP – regarding Navigant Consulting on the change of governance structure in the Department of Public Utilities - **Held**

10:30 A.M.

HEARING to consider Rezone Application No. R-07-38, and environmental findings, filed by Don Eskes on behalf of One By One Leadership Foundation, pertaining to approximately 0.32 acre of an overall 0.66 acre of property located on the northwesterly corner of San Joaquin and “L” Streets in downtown Fresno (2221 San Joaquin Street) (***Property located in District 3***) – Planning and Development Dept.

Action Taken: Held

1. Consider and adopt Environmental Assessment No. R-07-38/TPM 2007-22, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: Adopted
2. **BILL** – Amending the Official Zone Map to rezone 0.32 acre of an overall 0.66 acre of the subject property from the C-P (*Administrative and Professional Office*) zone district to the C-4 (*Central Trading*) zone district
Action Taken: Bill No. B-68/Ordinance No. 2007-65 adopted

11:00 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of July 31 and August 21, 2007

Action Taken: Approved

- A. Receive presentation from Forest City Development, Inc. regarding the South Stadium Project located within the Convention Center, Central Business District, Chinatown Expanded and South Van Ness Redevelopment project areas and consider taking the following actions:
1. Approval of Forest City Enterprise's proposed design concept as prepared by Calthorpe Associates, for the District of Fountains for the purpose of giving direction to proceed with preparation and processing of an Environmental Impact Report;
Action Taken: Approved
 2. Review developer's conceptual level financial proforma and direct staff to work with developer to identify funding sources and a financial plan;
Action Taken: Reviewed/approved
 3. Authorize Executive Director to finalize agreement with Impact Sciences for the preparation of the Environmental Impact Report (including CEQA and NEPA guidelines) for the proposed concept;
Action Taken: Authorized
 4. Authorize Executive Director to extend the ENA to allow for completion of the EIR
Action Taken: Authorized
- B. Consider Agency Board approval of an Owner Participation Agreement with Gary L. Lanfranco, Judy K. Lanfranco, Albert E. Lanfranco, Linda Lanfranco, Gena Lanfranco, Frances Marie Lanfranco, and Reno Lee Lanfranco (APN 467-062-03 & 11) In the Chinatown Expanded Redevelopment Project Area:
- 1 **RESOLUTION** - Waiving certain Owner Participation Criteria and approving an Owner Participation Agreement with Gary L. Lanfranco et al, ;and **(Agency action)**
Action Taken: Resolution No.1707 adopted
 2. Authorize the Executive Director of the Agency to execute the Owner Participation Agreement **(Agency action)**
Action Taken: Authorized
- C. Approve and authorize the Executive Director to execute a Purchase and Sale Agreement for the purchase of 3702 E. Ventura Street known as Assessor Parcel Number (APN) 470-052-01 owned by Cuberto and Imelda Hernandez, within the Southeast Fresno Revitalization Redevelopment Project Area **(Agency action)**
Action Taken: Authorized
- D. **RESOLUTION** - Approving a Letter of Intent (LOI) regarding a Disposition and Development Agreement (DDA) with the Legacy Real Estate Group, LLC (Developer) to develop a mixed use project (the Project), authorizing the City Manager and Redevelopment Agency Executive Director to negotiate with Developer to reach an agreement which will return to Council and Redevelopment Agency Board for final approval, and authorizing all necessary action related to the transaction, consistent with this resolution **(Council and Agency action)** – City Manager's Office
Action Taken: Resolution Nos. 2007-292/1708 adopted

ADJOURN AGENCY

2:00 P.M. #1

CONTESTED CONSENT ITEMS (IF ANY)

August 28, 2007

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiators: Ken Phillips, Terry Bond, Lori Najera
Employee Organizations:
1. International Brotherhood of Electrical Workers, Local 100 (IBEW)
2. International Association of Firefighters, Local 753 (IAFF Management Unit)
3. International Union of Operating Engineers, Stationary Engineers (Local 39)
Action Taken: **Held**
- B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Richard Aaron Jones, et al. v. City of Fresno, et al.
2. **Case Name:** City of Fresno v. Rosalie Morton, et al.
Action Taken: **Held**

2:00 P.M. #3 CLOSED SESSION WITH THE REDEVELOPMENT AGENCY

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957 (Councilmember Sterling)
Title: Executive Director of the Redevelopment Agency
Action Taken: **Laid over to 9/18/2007**

- 3:00 P.M. [ISD Network Migration Project – Professional Services](#) ([Information Services Department](#))**
- A.** Appearance by Lisa E. Vargas, Client Manager for Novell, Inc., to present facts and impacts regarding the proposed email system change
- B.** Ratify Agreement with Convergent Computing for RFP 2636 – Phase I Network Migration Analysis
- C.** Approve Amendment to Agreement with Convergent Computing for RFP 2636 - Phase II Network Migration Implementation to not exceed \$535,811.00
Action Taken: **Laid over to 9/18/2007**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:00 P.M. 2007 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS (Planning and Development Department)

The following plan amendment applications have been submitted for consideration during the 2007 Cycle I filing period in accordance with the Trimester Plan Amendment Program of the Planning Guidelines established by the Fresno City Council to implement the City's Local Planning and Procedures Ordinance, Article 6, Chapter 12, of the Fresno Municipal Code. In addition to the plan amendment applications, the projects described below may include rezone applications to change the subject properties' zone district boundaries and associated special permit and tentative tract map applications providing for development of the subject properties.

- A. **HEARING** to consider Plan Amendment Application No. A-06-23, Rezone Application No. R-06-71, and environmental findings, filed by Robert Logan on behalf of Ravinder Bassi, pertaining to approximately 0.33 acre of property located on the southeast corner of W. Shaw and N. West Avenues *(Property located in District 7)*

Action Taken: Held

1. Consider and adopt Environmental Assessment No. A-06-23/R-06-71, determination of initial study to file a Mitigated Negative Declaration

Action Taken: Adopted

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Bullard Community Plan from the office commercial planned land use designation to the general heavy commercial land use designation

Action Taken: Resolution No. 2007-295 adopted

3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-P (Residential and Professional Offices) zone district to the C-6 (Heavy Commercial) zone district

Action Taken: Bill No. B-69/Ordinance No. 2007-66 adopted

- B. **HEARING** to consider Plan Amendment Application No. A-06-26, Rezone Application No. R-06-73, and environmental findings, filed by Jeff Cazaly on behalf of Rick Ginder, pertaining to approximately 2.0 acres of property located on the west side of the N. Chestnut Diagonal and N. Dearing Avenue intersection between E. Herndon and E. Alluvial Avenues *(Property located in District 6)*

Action Taken: Held

1. Consider and adopt Environmental Assessment No. A-06-26/R-06-73/S-06-434, determination of initial study to file a Mitigated Negative Declaration

Action Taken: Adopted

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Woodward Park Community Plan from the medium-low density residential planned land use designation to the commercial office land use designation

Action Taken: Resolution No. 2007-296 adopted

3. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the C-P/UGM (Administrative and Professional Offices/Urban Growth Management) zone district

Action Taken: Bill No. B-70/Ordinance No. 2007-67 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:00 P.M. 2007 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS CONTINUED – (Planning and Development Department)

- C. **HEARING** to consider Plan Amendment Application No. A-06-27, Rezone Application No. R-06-74, and environmental findings, filed by Bill Des Jardins and the City of Fresno, pertaining to approximately 9.60 acres of an 11.54-acre site located on the south side of W. Whitesbridge Avenue between S. West Avenue Diagonal and S. Crystal Avenue (*Property located in District 3*)

Action Taken: Held

1. Consider and adopt Environmental Assessment No. A-06-27/R-06-74, determination of initial study to file a Mitigated Negative Declaration

Action Taken: Adopted

2. **RESOLUTION** - Amending the 2025 Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan from the medium density residential planned land use designation to the light industrial land use designation for 9.60 acres; the remaining 1.94 acres of the site are currently designated for light industrial planned land uses and no change is proposed

Action Taken: Resolution No. 2007-297 adopted

3. **BILL** – Amending the Official Zone Map to rezone 9.60 acres of the subject site from the R-A (*Single Family Residential-Agricultural*) zone district to the M-1/cz (*Light Manufacturing/conditions of zoning*) zone district

Action Taken: Bill No. B-71/Ordinance No. 2007-68 adopted

4. **BILL** – Amending the Fresno-Chandler Downtown Airport Master and Environs Specific Plan

Action Taken: Bill No. B-72/Ordinance No. 2007-69 adopted

- D. **HEARING** to consider Plan Amendment Application No. A-06-28, Rezone Application No. R-06-75, and environmental findings, filed by VRPA on behalf of Hussin Ahmed Saleh, pertaining to approximately 1.52 acres of property located on the northwest corner of W. Belmont and N. Hughes Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency (*Property located in District 3*)

Action Taken: Held

1. Consider and adopt Environmental Assessment No. A-06-28/R-06-75, determination of initial study to file a Mitigated Negative Declaration

Action Taken: Adopted

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the West Area Community Plan from the medium density residential planned land use designation to the general heavy commercial land use designation

Action Taken: Resolution No. 2007-298 adopted

3. **BILL** – Amending the Official Zone Map to rezone 0.83 acre of the subject property from the R-1 (*Single Family Residential, Fresno County*) and 0.69 acre of the subject property from the C-M (*Commercial and Light Manufacturing, Fresno County*) zone districts to the C-6 (*Heavy Commercial*) zone district for the entire 1.52-acre site

Action Taken: Bill No. B-73/Ordinance No. 2007-70 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:00 P.M. 2007 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS CONTINUED – (Planning and Development Department)

- E. **HEARING** to consider Plan Amendment Application No. A-06-29, Rezone Application No. R-06-76, and environmental findings, filed by Ly Nguyen, pertaining to approximately 0.19 acre of property located on the east side of N. Cedar Avenue between E. Floradora and E. Home Avenues *(Property located in District 7)*

Action Taken: Held

1. Consider and adopt Environmental Assessment No. A-06-29/R-06-76/ C-06-339, determination of initial study to file a Mitigated Negative Declaration

Action Taken: Adopted

2. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-high density residential planned land use designation to the general heavy commercial land use designation

Action Taken: Resolution No. 2007-299 adopted

3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the C-5 (*General Commercial*) zone district

Action Taken: Bill No. B-74/Ordinance No. 2007-71 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	4 -		NO MEETING - DUE TO LABOR DAY
Sept.	11 -		NO MEETING - COUNCIL RECESS
Sept.	18 -	10:00 A.M.	HEARING re: the vacation of a portion of Fowler Avenue at Illinois Avenue - R.I. No. 1062-D
Sept.	18 -	10:15 A.M.	HEARING re: adoption of EA-07-31, filed by the Dept. of Public Utilities
Sept.	18 -	10:20 A.M.	HEARING re: Text Amendment TA-07-01 re: residential density bonus pursuant to state law
Sept.	19 (Wed.)	2:00 P.M.	Presentation of Employee Service Awards (Council Chambers) <i>(Reception immediately following – 2nd floor foyer)</i>
Sept.	25 -	10:00 A.M.	HEARING to consider formation of UUD No. FRE-84 (Blackstone Avenue between Shields and Belmont Avenues – Public Works Dept.
Sept.	25 -	10:15 A.M.	HEARING re: CFD No. 11, Annexation No. 19 Tract No. 5512
Oct.	23-	10:00 A.M.	Ballot results for change of tax rate for CFD No. 2, Annexations Nos. 81 and 82
Oct.	23-	10:15 A.M.	Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department